

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 2, 2005**

DIVISION ONE

B175572      Hawthorne      (Not for Publication)  
v.  
Yaghounotil

The judgment is affirmed. Yaghounotil is awarded his costs on appeal.

Rothschild, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B181378      Zelenne L. Cardenas      (Not for Publication)  
v.  
Robert J. Noonan

The order is affirmed. Cardenas is awarded her costs on appeal.

Rothschild, J.

We concur: Spencer, P.J.  
Mallano, J.

November 2, 2005 (Continued)

DIVISION TWO

B154139 People (Not for Publication)  
v.  
Olvera et al.

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                  Doi Todd, J.

B179514 People (Not for Publication)  
v.  
Cisneros

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.  
Doi Todd, J.

## DIVISION THREE

B177384 James Ahn et al., (Not for Publication)  
v.  
Teletking Corporation et al.

The judgment is modified to order the dismissal of the counts for intentional misrepresentation and breach of fiduciary duty against all defendants. As so modified, the judgment is affirmed on the count for breach of contract and on the cross-complaint, and reversed on the counts for intentional misrepresentation and breach of fiduciary duty. Each party is to bear its own costs on appeal.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION FIVE

Court reconvened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and C. Adams, Deputy Clerk.

Each of the following:

B180121     People v. Priscilla Mae Ratcliff  
B178807     People v. Christian Oseguedo  
B179601     People v. Terry Morris  
B181493     River City v. Olson  
B179834     People v. Hilda Medina, et al  
B179290     People v. Beuford Kidd, Jr.  
B179066     People v. Rashad L.

Argument waived, cause submitted.

B176767     People  
                 v.  
                 Hector Huerta & Michael Higuera

Merits:

Argued by Robert A. Nadler for appellant (Hector Huerta) and by David Wildman, Deputy Attorney General for respondent. Cause submitted.

B181297     Embourky Corporation et al  
                 v.  
                 Peter G. Joseph et al

Merits:

Argued by Marc D. Gross for appellants and by Phillip A. Kramer for respondents. Cause submitted.

B179398     Embourky Corporation et al  
                 v.  
                 Peter G. Joseph et al

Merits:

Argued by Marc D. Gross for appellants and by Phillip A. Kramer for respondents. Cause submitted.

November 2, 2005 (Continued)

DIVISION FIVE (Continued)

Court recessed at 9:48 a.m.

Court reconvened at 1:00 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

B180682     Melissa Winship  
                 v.  
                 Larry Gerber et al

Merits:

Argued by Stanley Lieber for appellants and by Brian Kandel for respondent. Cause submitted.

B172405     Seon Hwang  
                 v.  
                 Jung Lee

Merits:

Argued by Gregory Ellis, Michael Perry, and Andrew Chang for appellants and by Janice Mazur for respondent. Cause submitted.

Court adjourned.

B184034     City of Arcadia, et al.  
B184035     v.  
B184036     California Regional Water Quality Control Board  
B184038

Filed order consolidating above captioned appeals under case number B184034.

November 2, 2005 (Continued)

DIVISION SIX

[illegible]

The judgment (order of commitment) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B182201      Marcos L.  
v.  
Matthew W.

Filed order dismissing the appeal as untimely. Respondent is awarded costs on appeal.

## DIVISION SEVEN

B174202	Multi-Cultural Marketing, Inc., et al. v. Quian et al.	(Not for Publication)
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The judgment is affirmed. MCM is to recover its costs on appeal.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

DIVISION SEVEN (Continued)

B174017      Parkview Villas Association, Inc                      (Certified For Publication)  
                 v.  
                 State Farm Fire and Casualty

The judgment is reversed and the cause is remanded for further proceedings not inconsistent with this opinion. Each party is to bear its own costs on appeal.

Perluss, P.J.

We concur:    Johnson, J.  
                     Woods, J.

B178252      People    (Not for Publication)  
                 v.  
                 Davidson C.

The wardship order is modified; execution of the period of confinement imposed on Count 2 (assault) is stayed pending the finality of this judgment and service of the period of confinement in Count 1; the stay is to become permanent upon completion of the term imposed in Count 1. This matter is also remanded to the trial court. On remand, the juvenile court is directed to: (1) correct the wardship order as indicated above; and (2) to comply with Welfare and Institutions Code section 702, and specifically to exercise its discretion to determine whether the assault was a misdemeanor or a felony.

Woods, J.

I concur:        Johnson, J.  
I dissent:        Perluss, P.J. (Opinion)

DIVISION EIGHT

B175580      California Oak Foundation, et al.,                      (Certified for Partial Publication)  
v.  
City Of Santa Clarita, Gate King Properties,

Because the water supplies portion of the EIR is inadequate, the judgment is reversed. The trial court is directed to issue a writ of mandate vacating the certification of the EIR and to retain jurisdiction until the City certifies an EIR complying with CEQA consistent with the views expressed in this opinion. Costs on appeal are awarded to appellants.

Boland, J.

We concur:    Cooper, P.J.  
                     Rubin, J.